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JORGE ALBERT SANCHEZ



UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JORGE ALBERT SANCHEZ,

Plaintiff,

v.

CITY OF SAN JOSE, a municipal  
corporation, GILBERT ("GIL") VIZZUSI, an  
Individual; and DOES 1-20.

Defendants.

Case No.: C-04-1683 JW

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING HEARING ON  
SUMMARY JUDGMENT MOTION AND  
REVISING PRETRIAL AND TRIAL  
SETTING SCHEDULING ORDER**

Pursuant to Civil Local Rules 6-1, 6-2 and 7, counsel for the parties have agreed, subject to order of the Court, to continue the hearing on defendants' motion for summary judgment for fourteen (14) days from April 10, 2006 to April 24, 2006 and extend the Preliminary Pretrial and Trial Setting Conference and other dates in the September 29, 2005 Scheduling Order by a corresponding period, as shown in the following table:

ACTIVITY/EVENT	PREVIOUS DATE	REVISED DATE
Summary Judgment Hearing	April 10, 2006	April 24, 2006
Lodging of Preliminary Pretrial and Trial Setting Statement and Proposed Order	April 7, 2006	April 21, 2006
Preliminary Pretrial and Trial Setting Conference	April 17, 2006	May 1, 2006
Close of Expert Discovery	30 days before trial	30 days before trial

No previous continuance of the Preliminary Pretrial and Trial Setting Conference has been requested.

The proposed two-week continuance of the hearing on the summary judgment motion is necessary to accommodate plaintiff's counsel's request for a two-week extension of the date that plaintiff's opposition is due and adhere to the schedule prescribed by Local Rule 7-2. The corresponding continuance of the Preliminary Pretrial and Trial Setting Conference ("PTC") preserves the current sequence and interval between the summary judgment hearing and the PTC. The reasons and basis for the requested changes are set forth in the following declaration.

#### DECLARATION

I, Marc P. Fairman, being first duly sworn, declare as follows:

1. I am counsel of record for plaintiff George Sanchez and submit this declaration in support of the stipulation for 14-day continuance of the hearing on defendants' motion for summary judgment and preliminary pretrial and trial setting conference.

2. The September 29, 2005 Scheduling Order set the PTC for April 17, 2006 and February 27, 2006 as the last day for hearing case-dispositive motions. The deadline for the hearing of case-dispositive motions was changed to April 10, 2006 by prior stipulation and order.

3. Defendants filed their summary judgment motion on March 6, 2006 and noticed the hearing for April 10, 2006, the 35-days minimum notice prescribed in Local Rule 7-2. Pursuant to Local Rule 7-3, plaintiff's opposition would have to be filed no later than March 20, giving him only 14-days to prepare a response to a motion consisting of a thirty-five page brief, two declarations and multiple exhibits. Because of unforeseen scheduling conflicts and demands

1 in other cases, including two full days of jury service, the preparation and filing of a cert petition  
 2 in the United States Supreme Court, an evidentiary hearing before the Public Utilities  
 3 Commission and numerous other matters, I did not believe that I could prepare an adequate  
 4 response to the motion within the allotted time and accordingly requested a two-week extension  
 5 of the filing deadline, to which defense counsel agreed, subject to the Court's approval. The  
 6 continuances are necessary to accommodate counsel's need for the extension of time to respond  
 7 to the motion and allow the Court to hear it prior to the PTC.

8 4. Counsel do not believe that the continuances will unduly delay or interfere with the  
 9 orderly progress of the case.

10 I declare under penalty of perjury of the law of California that the foregoing is true and  
 11 correct this 21<sup>th</sup> day of January 2005 in San Francisco, California.

12  
 13 \_\_\_\_\_/s/\_\_\_\_\_  
 14

Marc P. Fairman

15 SO STIPULATED:

16 MARC P. FAIRMAN  
 17 LAW OFFICES OF MARC P. FAIRMAN  
 18 Professional Corporation

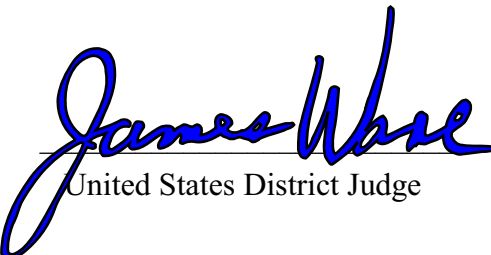
RICHARD DOYLE, City Attorney  
 NORA FRIMANN, Chief Trial Attorney  
 CLIFFORD GREENBERG, Senior Deputy  
 City Attorney  
 OFFICE OF THE CITY ATTORNEY

19  
 20 By \_\_\_\_\_/s/\_\_\_\_\_  
 21 Marc P. Fairman  
 Attorneys for Plaintiff

By \_\_\_\_\_/s/\_\_\_\_\_  
 Clifford Greenberg  
 Attorneys For Defendants

22 Dated: March 21, 2006

23  
 24 SO ORDERED:

25  
 26   
 United States District Judge

27 Dated:  
 28 MARCH 23, 2006  
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